

### **REMARKS**

This is in response to the Office Action mailed on January 22, 2009, in which claim 14 was objected to; claim 16 was rejected under 35 U.S.C. § 112, second paragraph; and claims 1-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,644,322 (*Webb*). With this Amendment, claims 8, 14, and 15 are canceled, and claims 1, 4, 7, 11, and 16 are amended. Claims 1-7, 9-13, and 16-18 are pending in the present application.

#### **Claim Objections**

Claim 14 is objected to because the claim is a duplicate of claim 13. With this Amendment, claim 14 is canceled, which renders moot the objection to claim 14.

#### **Claim Rejections – 35 U.S.C. § 112**

Claim 16 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite because claim 16 recites “a fourth user interface.” With this Amendment, claim 11 is amended to recite “a third user interface,” which provides proper basis for the introduction of “a fourth user interface” in claim 16. Consequently, it is respectfully requested that the rejection of claim 16 under 35 U.S.C. § 112, second paragraph be withdrawn.

#### **Claim Rejections – 35 U.S.C. § 103**

Claims 1-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Webb*. With this Amendment, claims 8, 14, and 15 are canceled, thereby rendering moot the rejections of these claims. Pending claims 1-7, 9-13, and 16-18 are patentable over *Webb*. However, in order to advance prosecution, independent claims 7 and 11 have been further amended to recite additional features not disclosed, taught, or suggested by *Webb*. In particular, claim 7 is amended to incorporate the limitations of claim 8, and claim 11 is amended to incorporate the limitations of claim 15. Claims 1, 7, and 11 each recite instructions executable to provide a third user interface that queries for a second data set selected from the group consisting of physician entered objective data and physician entered

subjective data. The second data set is then communicated with a first data set (derived from an implantable medical device) to a server via a communication network.

*Webb* discloses a system and method for providing a capability of translating “Patient Session Information” that includes IMD data and patient data stored in IMD memory in one human language into another human language. The stored data is provided by the IMD in XML format in a first human language. A human language stylesheet is then provided to transform the first human language of the XML formatted patient session information into the human language understandable by the user. The stylesheet is then applied to the XML formatted patient session information to provide translated patient session information to the user.

At col. 4, lines 48-56, *Webb* describes a prior art system that involves prompting a physician or other user to enter patient-specific variables while constructing a textual narrative report about the patient in a human language. However, nothing in *Webb* discloses, teaches, or suggests that this information is communicated to a server with data from the implantable medical device, as required by claims 1, 7, and 11. In fact, such a step would be counterintuitive in *Webb*, since the purpose of *Webb*’s system is to communicate information from the IMD to a user in a language the user can understand. In other words, it would not make any sense to translate the information from the IMD into a human language understandable by the user, and then communicate this translated information to a server. Therefore, because all limitations of claims 1, 7, and 11 are not disclosed, taught, or suggested by *Webb*, it is respectfully requested that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn.

Claims 2-6, 8-10, and 12-18 were also rejected under 35 U.S.C. §103(a) as being unpatentable over *Webb*. Claims 2-6 depend from claim 1, claims 9 and 10 depend from claim 7, and claims 12, 13, and 16-18 depend from claim 11. As discussed above, claims 1, 7, and 11 are allowable over the prior art of record. As such, claims 2-6, 9, 10, 12, 13, and 16-18 are allowable with their respective independent base claims. In addition, it is respectfully submitted that the combinations of features recited in claims 2-6, 9, 10, 12, 13, and 16-18 are patentable on their own merits, although this does not need to be specifically

addressed herein since any claim depending from a patentable independent claim is also patentable.

### **CONCLUSION**

For the reasons explained above, all pending claims are now in condition for allowance. Accordingly, the applicant respectfully requests that the Office issue a Notice of Allowance.

Any amendments to the claims are made to expedite prosecution of this application, without acquiescing to the Office's rejections or characterizations of the claims or references in the Office Action. Even if not expressly discussed above, the applicant respectfully traverses each of the rejections, assertions, and characterizations regarding the disclosure and teachings of the cited references, including the prior art status and the propriety of proposed combinations of cited references.

The Applicant has made a good faith effort to respond to all rejections set forth in the Office Action and to place the pending claims in condition for immediate allowance. If it would be helpful, the Examiner is invited to contact the undersigned at the number listed below to facilitate prosecution of this application.

Respectfully submitted,

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